

AMS CHANGE REQUEST (CR) COVERSHEET

Change Request Number: 16-53

Date Received: 9/19/16

Title: Executive Order 13693 (Sustainability) Policy Changes

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Policy and Guidance: (check all that apply)

- Policy
- Procurement Guidance
- Real Estate Guidance
- Other Guidance

Summary of Change: Update of Policy IAW Executive Order 13693 "Planning for Federal Sustainability in the Next Decade" along with other administrative updates

Reason for Change: Consistency of AMS with Executive Order and administrative updates

Development, Review, and Concurrence: Office of Environment and Energy (AEE-400), Acquisition Policy, Contracts, and Procurement Legal.

Target Audience: Program Offices and Contracting Personnel

Briefing Planned: July 19, 2016

ASAG Responsibilities: Review and Concurrence

Section / Text Location: Policy 3.6 and Appendix E

The redline version must be a comparison with the current published FAST version.

- I confirm I used the latest published version to create this change / redline
- or
- This is new content

Links:

<http://fast.faa.gov/docs/acquisitionManagementPolicy/AcquisitionManagementPolicy3.6.pdf>
<http://fast.faa.gov/docs/acquisitionManagementPolicy/AcquisitionManagementPolicyAppendix E.pdf>

Attachments: Redline and final documents.

Other Files: None

Redline(s):

Section(s) Added:

3.6.3.3.3 – BioPreferred and Biobased Designated Products
3.6.3.3.4 – Alternatives to Ozone Depleting Substances and High Global Warming Potential Hydrofluorocarbons
3.6.3.3.5 – Water Conservation and Efficiency
3.6.3.3.6 – Chemicals Management
3.6.3.3.7 – Fuel Efficient Products and Services
3.6.3.7 – Waste Management

Section(s) Revised:

3.6.3.2 – Policy
3.6.3.3 – Environmental Performance and Sustainability Factors
3.6.3.3.1 – Recycled-Content Products
3.6.3.3.2 – Energy Conservation and Efficiency
3.6.3.4 – Delivery of Electronic and Paper Documents
3.6.3.6.1 – Hazardous Material Identification and Safety Data
3.6.3.6.2 – Notice of Radioactive Material

Acquisition Management Policy (~~7/2016~~ 10/2016)

3.6 Socio-Economic and Other Policies and Programs

3.6.1 Small Business Development Program Revised 7/2005

3.6.1.1 Applicability Revised 10/2012

3.6.1.2 Policy Revised 1/2010

3.6.1.3 Principles for the Small Business Development Program Revised 7/2005

3.6.1.3.1 Program Goals Revised 7/2005

3.6.1.3.2 Prime Contracting with Small Businesses Revised 7/2015

3.6.1.3.3 Set-Asides to Very Small Businesses

3.6.1.3.4 Set-Asides to Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals (8(a) Certified) Revised 7/2015

3.6.1.3.5 Noncompetitive Awards to SEDB (8(a)) Vendors Revised 7/2016

3.6.1.3.6 Set-Asides to Service-Disabled Veteran Owned Small

Businesses Revised 10/2008

3.6.1.3.7 Subcontracting with Small Businesses and Small Businesses
Owned and Controlled by Socially and Economically
Disadvantaged Individuals

3.6.2 Labor Laws

3.6.2.1 Applicability Revised 10/2014

3.6.2.2 Policy

3.6.3 Environment, Conservation, Occupational Safety, and Drug-Free Workplace Revised 4/2009

3.6.3.1 Applicability Revised 4/2009

3.6.3.2 Policy Revised 10/2016

3.6.3.3 ~~Pollution~~ Environmental Performance and Sustainability Factors Revised

7/2013 10/2016

3.6.3.3.1 ~~Non-Ozone Depleting Substances~~ ~~Added 7/2013~~ Recycled-Content Products Revised 10/2016

3.6.3.3.2 ~~Chemicals Management~~ ~~Added 7/2013~~

3.6.3.4 ~~Conservation~~

3.6.3.4.1 Energy Conservation and Efficiency Revised 7/2013

3.6.3.4.2 ~~Recovered or Recycled Materials~~ Revised 10/2014 2016

3.6.3.4.3 ~~BioPreferred and Biobased Materials~~ ~~Added 4/2013~~ Designated Products Added 10/2016

3.6.3.4.4 ~~3.6.3.4 Alternatives to Ozone Depleting Substances and High Global Warming Potential Hydrofluorocarbons~~ Added 10/2016

3.6.3.3.5 Water Conservation and Efficiency Added 7/2013 Added 10/2016

3.6.3.4.5 ~~Delivery of Paper Documents~~ 3.6 Chemicals Management Added 10/2016

3.6.3.3.7 Fuel Efficient Products and Services Added 10/2016

3.6.3.4 Delivery of Electronic and Paper Documents Revised 10/2016

3.6.3.5 Drug-Free Workplace Revised 4/2009

3.6.3.6 Hazardous and Radioactive Materials

3.6.3.6.1 ~~Waste Management~~ ~~Added 7/2013~~

3.6.3.6.2 Hazardous Material Identification and ~~Material~~ Safety Data Revised 4/2009-10/2016

3.6.3.6.3 ~~2~~ Notice of Radioactive Material Revised 4/2009 10/2016

3.6.3.7 Waste Management Added 10/2016

3.6.4 Foreign Acquisition Revised 4/2014

3.6.4.1 Buy American Act Added 10/2014

3.6.4.2 Export Control Added 4/2014

3.6.5 Indian Incentive Program

3.6.6 Fastener Quality Act

3.6 Socio-Economic and Other Policies and Programs

3.6.1 Small Business Development Program Revised 7/2005

3.6.1.1 Applicability Revised 10/2012

The policies in this Section apply to FAA procurements for products and services but exclude those procurements using purchase cards, purchase card checks, electric utilities, real property, grants, memoranda of understanding, non-appropriated funds, contracts to be awarded and performed entirely outside of the United States, contracts with foreign governments or international organizations, agreements, and required sources of products/services and use of Government sources including products available from Federal Prison Industries (FPI) (refer to AMS Small Business Program Development Guidance).

3.6.1.2 Policy Revised 1/2010

The FAA must comply with Presidential directives, constitutional standards, public laws, and DOT Secretary Policy Statements to promote, expand, aggressively provide procurement opportunities as prime contractors and as subcontractors for small businesses, small businesses owned by socially and economically disadvantaged individuals, women-owned small businesses and service-disabled veteran owned small businesses. The FAA's Small Business Development staff currently has and will continue to have responsibility for:

- FAA's policy and program on the utilization of small business and small businesses owned and controlled by socially and economically disadvantaged individuals;
- Establishing mechanisms for monitoring and evaluating the effectiveness of the small business program; and
- Ensuring FAA-wide implementation and accomplishment of the small business program objectives.

Key features of the small business program will include:

- Competitive/noncompetitive set-asides;
- Establishment of eligibility criteria and measurable prime contracting and subcontracting goals;
- Vigorous outreach efforts;
- Mentor-Protégé Program; and
- Small business forums.

3.6.1.3 Principles for the Small Business Development Program Revised 7/2005

3.6.1.3.1 Program Goals Revised 7/2005

Prior to the end of each fiscal year, measurable annual FAA wide major procurement program goals (including subcontracting goals) will be established to provide attainable and reasonable opportunities for small businesses and small businesses owned and controlled by socially and economically disadvantaged individuals to participate in contracts awarded by the FAA for the next fiscal year.

To ensure attainment of the program goals, senior management shall be held responsible and goal achievement shall be monitored at all levels in the agency. Additionally, the Small Business Development Staff will conduct vigorous outreach efforts that may include participating in Small Business Conferences, Small Business forums, etc.

3.6.1.3.2 Prime Contracting with Small Businesses Revised 7/2015

When appropriate, individual procurements may be set aside for competitive award among small businesses. Individual procurements may also be set-aside for small businesses in up to three categories (combined set-asides).

3.6.1.3.3 Set-Asides to Very Small Businesses

When appropriate, individual procurements may be set aside for competitive award among very small businesses. Special attention will be given to service contracts for very small businesses.

3.6.1.3.4 Set-Asides to Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals (8(a) Certified) Revised 7/2015

Except for those acquisitions set aside for very small business concerns, or those acquisitions being purchased using the agency purchase card, or those acquisitions subject to AMS 3.8.4.2, each acquisition of supplies or services having an anticipated dollar value exceeding \$10,000, but not over \$150,000, is automatically reserved exclusively for SEDB (8(a)) vendors unless –the Contracting Officer, with review of the cognizant Small and Small Disadvantaged Utilization Specialist, determines there is not a reasonable expectation of obtaining offers from responsible SEDB (8(a)) concerns that are competitive in terms of market prices, quality and delivery. This requirement applies to Screening Information Requests (SIRs) issued on or after June 1, 2015. The Contracting Officer must submit the Small Business Set-Aside Determination and Coordination Form for all such acquisitions (see also AMS Small Business Development Program Guidance for use of this form). **These procurements may be either competitive or noncompetitive.**

In addition, other individual procurements outside the above specified range may be set-aside for competitive award among Socially and Economically Disadvantaged Businesses (SEDBs) that are 8(a) certified, when appropriate.

3.6.1.3.5 Noncompetitive Awards to SEDB (8(a)) Vendors Revised 7/2016

Individual procurements may be noncompetitively awarded to SEDB (8(a)) vendors when the anticipated total value of the procurement (including all options) is \$6.5 million or below for procurements assigned manufacturing North American Industry Classification System codes and \$4 million or below for all other procurements. Where a procurement exceeds the noncompetitive threshold, the procurement may be awarded on a noncompetitive basis to SEDB (8(a)) vendors if: -(1) there is not a reasonable expectation that at least two or more SEDB (8(a)) sources will submit offers that are in the Government's best interest in terms of quality, price and/or delivery; or (2) the award will be made to a concern owned by an Indian tribe or an Alaska Native Corporation. Noncompetitive awards above \$22 million to SEDB 8(a) vendors must be justified and documented as indicated in AMS Small Business Development Procurement Guidance.

3.6.1.3.6 Set-Asides to Service-Disabled Veteran Owned Small Businesses Revised 10/2008

When appropriate, individual procurements may be awarded noncompetitively or set-aside competitively for award among service-disabled veteran owned small businesses.

3.6.1.3.7 Subcontracting with Small Businesses and Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals

When appropriate, subcontracting opportunities will be encouraged.

3.6.2 Labor Laws

3.6.2.1 Applicability Revised 10/2014

The Davis-Bacon Act (40 U.S.C. § 276a), Convict Labor (18 U.S.C. § 4082-(c)(2)), Copeland Act (18 U.S.C. § 874 and 40 U.S.C. § 276c), Walsh-Healey Public Contracts Act (41 U.S.C. §§ 6501-6511), Equal Employment Opportunity (Executive Order 11,141, 29 FR 2477), Service Contract Act (41 U.S.C. §§ 6701-6707), and other labor laws and regulations will apply to acquisitions for products, services, and construction.

3.6.2.2 Policy

The FAA will comply with labor laws when acquiring products, services, and construction.

3.6.3 Environment, Conservation, Occupational Safety, and Drug-Free Workplace Revised 4/2009

3.6.3.1 Applicability Revised 4/2009

This section applies to all FAA Screening Information Requests (SIRs) and contracts performed in the United States.

3.6.3.2 Policy ~~Revised 10/2016~~

It is the policy of ~~the~~ FAA to contract with entities that are in compliance with applicable environmental, energy, safety, and drug-free workplace laws, orders, and regulations.

~~3.6.3.3 Pollution~~ ~~Revised 7/2013~~

~~3.6.3.3.1 Non-Ozone Depleting Substances~~ ~~Added 7/2013~~

~~Pursuant to the Clean Air Act and Executive Orders 13423 and 13514, FAA must procure non-ozone depleting alternatives to the maximum extent practicable. FAA must maximize the use of safe alternatives to ozone-depleting substances, as approved by Environmental Protection Agency's (EPA) Significant New Alternatives Policy (SNAP) Program. These considerations must be identified in the procurement planning and Screening Information Request (SIR)/contract documents.~~

~~3.6.3.3.2 Chemicals Management~~ ~~Added 7/2013~~

~~Pursuant to Executive Orders 13423 and 13514, procurements must to the maximum extent practicable 1) reduce the overall quantity of chemicals and toxic materials acquired, used, and disposed of; and 2) use less or non-toxic alternatives where their application would be meaningful and consistent with meeting FAA requirements. Contractors must use integrated pest management (IPM) and adhere to environmentally preferable landscaping management practices when providing services to FAA. These considerations must be identified in the procurement planning and SIR/contract documents.~~

3.6.3.4 Conservation

3.6.3.4.1 Energy FAA will ensure that sustainable acquisition requirements are included to the maximum extent practicable for all applicable procurements in the planning, award, and execution phases of the acquisition.

To achieve sustainable acquisition goals, FAA will meet statutory mandates for purchasing preference. If statutory mandates do not exist, FAA will give preference to purchasing sustainable products and services identified by EPA programs. Where no statutory mandates, EPA programs, or EPA recommended specifications, labels, or standards exist, FAA will give preference to non-federal specifications, standards, or labels to further advance sustainable procurements.

- FAA elects to follow the statutory mandates requiring purchase preference for: recycled-content products designated by EPA; energy and water efficient products and services, such as ENERGY

STAR® qualified and Federal Energy Management Program (FEMP)-designated products; and the U.S. Department of Agriculture (USDA) BioPreferred and biobased designated products.

- Sustainable products and services identified by EPA programs include: Significant New Alternative Policy (SNAP) chemicals, WaterSense® certified products and services; Safer Choice® labeled products; and SmartWay® Transport partners and SmartWay products.
- Non-federal specifications, standards, or labels to further advance sustainable procurements must meet or exceed specifications, standards, or labels recommended by EPA or meet environmental criteria developed or adopted by voluntary consensus standards bodies consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (P.L. 104-113) and OMB Circular A-119.

Sustainable acquisition requirements are considered practicable unless there is an allowable exception for acquiring sustainable products or services. An allowable exception is available if any of the following conditions exist:

- Product or service cannot be acquired competitively within a reasonable performance schedule.
- Product or service cannot be acquired that meets reasonable performance requirements.
- Product or service cannot be acquired at a reasonable price. The price shall be deemed unreasonable when the total life cycle costs are significantly higher for the sustainable product or service versus the non-sustainable product or service. Life cycle costs are determined by combining the initial costs of a product or service with any additional costs or revenues generated from that product or service during its entire life.
- An exception is provided by statute, such as the exception to procuring ENERGY STAR or FEMP-designated products under 42 U.S.C. § 8259b(b)(2).

If a product meets any of the aforementioned exceptions, FAA should strive to purchase a comparable product that is still environmentally sustainable (e.g., if a WaterSense product is not available at a reasonable price, FAA should purchase a similar product that is water efficient and available at a reasonable price). If at any point during the acquisition it is determined that a contract action cannot comply with the sustainable requirements due to an exception, the Contracting Officer must document, within the contract file, the exception being used and rationale for using the exception.

3.6.3.3 Environmental Performance and Sustainability Factors Revised 10/2016

3.6.3.3.1 Recycled-Content Products Revised 10/2016

In order to meet the objectives of Executive Order (EO) 13693, FAA will procure products composed of recycled content, which are produced with waste materials and byproducts recovered or diverted from solid waste. Recycled-content products are designated in EPA's Comprehensive Procurement Guidelines (CPG) and FAA will purchase these products at the highest percentage of recovered content practicable. FAA should purchase uncoated paper (including office products or support services that include the supply of written documents) containing at least 50 percent post-consumer recycled content whenever practicable, but if not practicable, FAA will purchase uncoated printing and writing paper containing at least 30

percent post-consumer recycled content or higher. These considerations will be identified in procurement planning and SIR/contract documents.

3.6.3.3.2 Energy Conservation and Efficiency Revised 7/2013 10/2016

~~Pursuant to Executive Orders 13423 and 13514~~In order to meet the objectives of EO 13693, the Energy Policy Act of 2005 (EPA 2005), the Energy Independence and Security Act of 2007 (EISA 2007), and FAA Order 1053.1B, (or the latest version), FAA ~~must~~will procure the most energy efficient products available, where life-cycle cost-effective and consistent with the mission need. In doing so, FAA ~~must~~will procure ~~Electronic Product Environmental Assessment Tool (EPEAT) registered, Energy Star@ENERGY STAR labeled, and Federal Energy Management Program (FEMP)-designated~~ products. ~~FAA policy promotes energy conservation and efficiency factors as well as electronic products or services that meet or exceed specifications, standards, or labels recommended by the EPA (e.g. Electronic Products Assessment Tool (EPEAT) electronic products is the highest assessment rating available in acquisitions when their use would be meaningful, practical, and consistent with meeting FAA requirements.FY16).~~ These considerations ~~must~~will be identified in the procurement planning and SIR/contract documents when procuring products or services affecting FAA energy consumption.

3.6.3.4.2 Recovered or Recycled Materials3.3 BioPreferred and Biobased Designated Products Added 2016

~~Pursuant to Executive Orders 13423 and 13514, FAA must procure products composed of recycled content, where such products meet FAA performance requirements. Procurement of products designated in EPA's Comprehensive Procurement Guidelines (CPG) must be for the highest percentage of recovered materials practicable. Uncoated printing and writing paper purchased (including office paper products or support services that include the supply of written documents) must contain at least 30 percent postconsumer fiber. FAA should purchase uncoated paper containing at least 50 percent fiber content whenever practicable. If uncoated paper containing at least 30 percent postconsumer fiber is not reasonably available, does not meet reasonable performance requirements, or is only available at an unreasonable price, then uncoated paper containing at least 20 percent postconsumer fiber may be used as an alternative. These considerations must be identified in procurement planning and SIR/contract documents~~

3.6.3.4.3 Biobased Materials Added 4/2013

~~Pursuant to the U.S. Farm Bill and Executive Orders 13423 and 13514, FAA will purchase and use products composed of the highest percentage of biobased material practicable. Biobased requirements must be identified in procurement planning, SIR and contract documents.~~

In order to meet the objectives of EO 13693, the Farm Security and Rural Investment Act of 2002, the Food Conservation and Energy Act of 2008, and the Agricultural Act of 2014, FAA will

purchase and use USDA BioPreferred and biobased designated products, which are products derived from plants and other renewable agricultural, marine, and forestry materials and provide an alternative to conventional petroleum derived products. FAA will give preference to products composed of the highest percentage of biobased material practicable. These considerations will be identified in procurement planning, SIR/contract documents.

3.6.3.3.4 Alternatives to Ozone Depleting Substances and High Global Warming Potential Hydrofluorocarbons Added 10/2016

In order to meet the objectives of EO 13693 and the Clean Air Act, FAA will procure Significant New Alternative Policy (SNAP) chemicals or other alternatives to ozone-depleting substances and high global warming potential hydrofluorocarbons, where feasible, as identified by SNAP. FAA will ensure that the product complies with statutory mandates (e.g., biobased) if applicable to the product category. These considerations will be identified in the procurement planning and SIR/contract documents.

3.6.3.4.43.5 Water Conservation and Efficiency Added 7/2013 Added 10/2016

Pursuant~~In order to Executive Orders 13423 and 13514~~meet the objectives of EO 13693 and FAA Order 1053.1B, (or the latest version), FAA must procure the most water efficient products available, where life cycle cost effective and consistent with the mission need. In doing so, FAA must procure~~will purchase~~ WaterSense® labeled or other water conserving certified products and services. These considerations must~~will~~ be identified in the procurement planning and SIR/contract documents when procuring products or services affecting FAA water consumption.

3.6.3.3.6 Chemicals Management Added 10/2016

In order to meet the objectives of EO 13693, FAA will purchase Safer Choice labeled products to reduce the overall quantity of chemicals and toxic materials acquired, used, and disposed of. FAA will ensure that the product complies with the statutory mandates (e.g., biobased) if applicable to the product category. These considerations will be identified in the procurement planning and SIR/contract documents.

Additionally, FAA will implement EPA's Integrated Pest Management Principles and Water Efficient Landscaping practices to reduce and eliminate the use of toxic and hazardous chemicals and materials.

3.6.3.3.7 Fuel Efficient Products and Services Added 10/2016

In order to meet the objectives of EO 13693, FAA will improve supply chain efficiency by reducing the impact of shipping and transportation when procuring goods and services. As such, FAA will procure 1) SmartWay products; and 2) services from SmartWay Transport partners. These considerations will be identified in the procurement planning and SIR/contract documents.

3.6.3.4.5 Delivery of Electronic and Paper Documents Added Revised 10/2014 2016

Contractors must submit acquisition-related documents electronically, to the maximum extent practicable. When paper documents are submitted to the FAA, they must be printed or copied double-sided. Refer to the ~~Recovered or Recycled Materials Content Products~~ Policy above for additional requirements for delivery of paper documents.

3.6.3.5 Drug-Free Workplace ~~Revised 4/2009~~

The FAA must deem any offer unqualified and ineligible for award unless the offeror has certified that it is a drug free workplace. After contract award, if there is adequate evidence to suspect that the contractor submitted a false certification or failed to comply with the certification, the FAA may suspend payments, terminate the contract for default, debar or suspend the contractor, or take other appropriate action to obtain quality performance by a lawfully operating contractor.

3.6.3.6 Hazardous and Radioactive Materials

3.6.3.6.1 Waste Management ~~Added 7/2013~~

~~Contractors must comply with the waste reduction and reporting requirements set forth in Executive Orders 13423 and 13514 with regard to increasing the diversion of non-hazardous solid waste, Construction and Demolition (C&D) debris, and organic and compostable materials from the waste stream. Waste management will further be accomplished through employing source reduction strategies (such as purchasing items that require less packaging materials during shipping) and reducing printing paper use. Waste management factors must be considered, to the maximum extent practicable, in acquisitions where their application would be meaningful and consistent with meeting FAA requirements. These factors must be identified in the procurement planning and Screening Information Request (SIR) contract documents.~~

3.6.3.6.2 Hazardous Material Identification and Material Safety Data ~~Revised 4/2009~~ 10/2016

It is ~~the~~ FAA policy to comply with Occupational Safety and Health Administration (OSHA) regulations on hazardous materials, conditions and precautions. To comply with these regulations, ~~the~~ FAA must obtain information from contractors when hazardous materials are provided to ~~the~~ FAA. Contractors are required to identify any hazardous materials delivered under a contract, as defined in Federal Standard 313; and must provide ~~Material~~ Safety Data Sheets for all identified hazardous materials.

3.6.3.6.3~~2~~ Notice of Radioactive Material ~~Revised 4/2009~~ 10/2016

The contractor is required to notify the FAA, prior to delivery, of radioactive material that requires specific licensing under the Atomic Energy Act of 1954; or material with a specific activity that is greater than 0.002 microcuries per gram, or a specific activity per item exceeds 0.01 microcuries.

3.6.3.7 Waste Management Added 10/2016

Contractors must comply with the waste reduction and reporting requirements set forth by FAA with regard to increasing the diversion of non-hazardous solid waste, construction and demolition (C&D) debris, and organic and compostable materials from the waste stream. Waste management will further be accomplished through employing source reduction strategies (such as purchasing items that require less packaging materials during shipping) and reducing printing paper use. Waste management factors must be considered, to the maximum extent practicable, in acquisitions where their application would be meaningful and consistent with meeting FAA requirements. These factors must be identified in the procurement planning and SIR/ contract documents.

3.6.4 Foreign Acquisition Revised 4/2014

3.6.4.1 Buy American Act Added 10/2014

The FAA will comply with the tenets of the Buy-American Act (41 U.S.C. §§ 8301-8305) as part of the agency's best value determination during the contractor selection process.

3.6.4.2 Export Control Added 4/2014

The FAA will comply with all U. S. Export Control laws and regulations, including the International Traffic in Arms Regulations (ITAR), 22 CFR Parts 120 through 130 and the Export Administration Regulations (EAR), 15 CFR Parts 730 through 774.

3.6.5 Indian Incentive Program

The FAA is subject to the requirements of paragraph 1544 of 25 U.S.C. that establishes an incentive payment for contractors of Federal agencies that subcontract with or use suppliers who are Indian organizations or Indian-owned economic enterprises in performing the contract. This incentive payment may be equal to 5% percent of the amount paid, or to be paid, to a qualifying subcontractor or supplier that is an Indian organization or Indian-Owned economic enterprise.

3.6.6 Fastener Quality Act

The FAA shall comply with Pub. L. 101-592, as amended by Pub. L. 104-113 in equipment and construction applications which require the use of high-strength fasteners.

Section Revised:
Appendix E: Part II – Executive Orders

Acquisition Management Policy - (7/2016)

Appendix E: External Authorities

Appendix E: Part I - Statutes Revised 10/2014

Appendix E: Part II - Executive Orders Revised ~~10/2015~~ 10/2016

Appendix E: Part III - Regulations/Standards Revised 4/2014

Appendix E: Part IV - External Authorities applicable to Real Estate Revised 10/2014

Appendix E: External Authorities

This table highlights selected government-wide laws, regulations, executive orders, and other directives that affect acquisition programs. In some instances, FAA-unique implementation of these authorities is outlined in the Acquisition Management System. In most cases, however, implementation is through means other than the Acquisition Management System. This table is not all inclusive. Full text of the authorities may be viewed from the following websites:

<http://www.archives.gov> or <http://uscode.house.gov>

The appendix is divided into four parts as follows: Part I

- Statutes arranged alphabetically by title Part II -

Executive Orders arranged numerically

Part III - Regulations/Standards arranged alphabetically by title

Part IV - External Authorities applicable to Real Estate

- A. Statutes arranged alphabetically by title
- B. Executive Orders arranged numerically
- C. Regulations/Standards arranged alphabetically by title

Appendix E: Part I - Statutes Revised 10/2014

Title	Description Summary	Functional area affected	Promulgated by AMS:			
			P=Policy	G=Guidance	C=Clause	*=See Office of Chief Counsel
Administrative Procedures Act (5 USC 500 et seq)	Authorizes a duly qualified individual to represent a person before an agency.	All				*
Agreement on Civil Aircraft (19 USC 2513)	Exempts civil aircraft from Buy American Act.	Procurement				*
Air Commerce and Safety (49 USC 40121(c)(2))	Establishes legal authority for joint activities between DoD and FAA to improve or replenish the national air traffic control system.	Procurement		G		
Airport Improvement	Establishes U.S. policy for airport	Agreements		G		

(AIP) Grants (49 USC 47101)	development and improvement.					
Air Traffic Management System Performance Improvement Act of 1996, P.L. 104-264 (49 USC 40121).	Administrator must consider terminating Facilities and Equipment acquisition program that exceeds 10% of cost or schedule baseline or fails to achieve 90% of performance goals. When cost or schedule breach is 50% or more, Administrator must terminate program, or make a written determination to continue program and send the determination to Congress.	All	P			
Air Transportation Security (49 USC 44903)	Authorizes the Administrator to prescribe regulations to protect passengers and property on an aircraft operating in air transportation or intrastate air transportation against an act of criminal violence or aircraft piracy.	Procurement		G		
Anti-Deficiency Act (31 USC 1341)	Prohibits expenditure in excess of funds available.	Procurement	P	G	C	
Anti-Kickback Act (41 USC 8701-8707)	Prohibits offering or accepting kickbacks; criminal penalties apply.	Ethics Procurement Real Estate			C	*
Anti-Lobbying Act (31 USC 1352)	Prohibits use of Federal funds for lobbying.	Procurement				*
Assistance to Foreign Aviation Authorities (49 USC 40113(e))	Authorizes the Administrator to provide safety-related training and operational services to foreign aviation authorities with or without reimbursement, if the Administrator determines that providing such services promotes aviation safety.	Procurement		G		
Authority to Transfer an Interest in Surplus Property (49 USC 47151)	Authorizes a department, agency, or instrumentality of the executive branch of the U.S. Government or a wholly owned Government corporation to give a State, political subdivision of a	Procurement		G		

	State, or tax-supported organization any interest in property subject to sections 47152, Terms of Gifts and 47153, Waiving and Adding Terms, of this title.					
Bayh-Dole Act (35 USC 200)	Provides policy regarding inventions made with Government assistance	Procurement				*
Bona fide Fiscal year need statutes (31 USC 1301)	Requires appropriations to be applied only to the objects for which the appropriations were made except as otherwise provided by law.	Budget Procurement			C	*
Bribery and Conflict of Interest Laws (18 USC 201)	Prescribes fines and punishment for bribery of public officials and witnesses.	All				*
Bribery and Conflict of Interest Laws (18 USC 208)	Prescribes acts and penalties affecting a personal financial interest.	All	P			
Buy American Act (41 USC 8301-8305)	Requires American manufactured materials and supplies for public use. (Also see Executive Order 10582)	Procurement	P	G	C	
Buy American (FAA) (49 USC 50101)	Mandates a preference for raw and manufactured American materials.	Procurement			C	*
Cargo Preference Act (46 USC 1241)	Mandates preference for shipping cargo on U.S. ships.	Procurement			C	
Caribbean Basin Economic Recovery Act (19 USC 2701)	Exempts certain Caribbean countries from Buy American provisions of 19 USC 2701.	Procurement		G		
Clean Air Act (42 USC 7401 et seq)	Encourages or otherwise promotes reasonable Federal, State, and local governmental actions, consistent with the provisions of this chapter, for pollution prevention.	Procurement Environment	P	G	C	
Clean Water Act (33 USC 1251 et seq)	Restores and maintains the chemical, physical, and biological integrity of the Nation's waters.	Procurement Environment	P	G	C	
Common Carrier Liability (49 USC 11707)	Specifies liability when property is delivered in violation of routing instructions.	Procurement				*
Comprehensive Iran Sanctions,	Requires offerors to certify that they have not exported	Procurement		G	C	

Accountability, and Divestment Act of 2010 (P.L. 111-195)	sensitive technology to Iran					
Contract Work Hours and Safety Standards Act (40 USC 328)	Establishes a standard 8 hour workday and standard 40 hour workweek for laborers and mechanics, with compensation of not less than one and one-half times the basic rate of pay for work exceeding the standard workweek.	Procurement	P	G	C	
Convict Labor Act (18 USC 23-436)	Prohibits convicts from performing Government contracts. (Also see Executive Orders 11755 and 12943)	Procurement	P	G		
Cooperative Research and Development Agreements (15 USC 3710a)	Supports the full use of the results of the Nation's Federal investment in research and development. To this end the Federal Government shall strive where appropriate to transfer Federally owned or originated technology to State and local governments and to the private sector.	Agreements		G		
Copeland Act (18 USC 874 and 40 USC 276c) a.k.a. Anti-Kickback Act	Makes it unlawful to induce any person, employed in the construction or repair of public buildings or public works financed in whole or in part by the U.S., to give up any part of the compensation to which they are entitled.	Procurement	P	G	C	
Davis Bacon Act (40 USC 276a)	Requires construction contractors to pay prevailing wages for laborers and mechanics.	Procurement	P	G	C	
Department of Transportation, General Duties and Powers (49 USC 322(c))	Provides general authority for FAA to enter into reimbursable agreements with other agencies and for cooperative agreements to use the services, records, and facilities of State, territorial, municipal and	Agreements		G		

	other agencies. However, 49 USC 106 (l) and (m) provides broader authority and should be cited in place of Section 322(c) for FAA agreements.					
Disclosure of Confidential Information (18 USC 1905)	Prohibits the disclosure of confidential information by public officials, i.e. trade secrets.	Ethics Procurement	P	G		
Drug Free Workplace (41 USC 8101-8106)	Prohibits award of contracts to entities who have not certified that it is a drug free workplace. AMS does not reference 41 USC 8101-8106. However it is FAA policy to only award contracts to entities who have certified a drug free workplace.	Procurement	P	G	C	
Economy Act (31 USC 1535)	Authorizes the head of an agency or major organizational unit within to place an order with a major organizational unit within the same agency or another agency for goods or services under conditions specified in the statute.	Procurement		G		
Energy Policy and Conservation Act (42 USC 6361(a)(1))	Requires agencies to develop mandatory standards for energy conservation and energy efficiency to govern the procurement policies and decisions of the Federal Government and all Federal agencies and to cause such standards to be implemented.	Procurement Environment	P	G		
Explosive Detection (49 USC 44913)	Governs the deployment and purchase of explosive detection equipment under 14 USC 108.7(b)(8) or 108.20 when the FAA Administrator certifies	Procurement		G		
	that the equipment alone, or as part of an integrated system, can detect under realistic air carrier operating conditions the amounts, configurations, and types					

	of explosive material that would likely be used to cause catastrophic damage to commercial aircraft.					
False Claims Act (31 USC 3729)	Specifies civil penalties for false claims against the U.S.	All		G		*
Fastener Quality Act - June 8, 1999 (15 USC 5402)	Requires fasteners (i.e. bolts, nuts, screws) to be manufactured in accordance with a fastener quality assurance system; or manufactured to a proprietary standard, such as ISO 9000, QS9000, VDA6.1, or AS9000.	Procurement	P			
Federal Aviation Administration (49 USC 106)	Authorizes the Administrator to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the functions of the Administrator and the Administration.	Procurement	P	G		
Federal Claims Collection (31 USC 3711)	Establishes provisions for collecting claims of the U.S. for money or property arising out of the activities of, or referred to the agency.	Procurement				*
Federal Excise Taxes (26 USC 4041)	Imposes tax on diesel fuel in certain cases.	Procurement	P	G		
Federal Facilities Compliance Act	Mixed Waste is regulated as hazardous and radioactive waste under the Resource Conservation and Recovery Act (RCRA) and the Atomic Energy Act (AEA), respectively.	Environment				*
Federal Prison Industries (18 USC 4121)	Prescribes requirement for purchases from Federal Prison facilities.	Procurement	P	G	C	
Federal Workforce Restructuring Act of 1994 - P.L. 103-226 (5 USC 5597)	To provide temporary authority to Government agencies relating to voluntary separation, incentive payments, and for other purposes and limitation on procurement of Service Contracts with involuntarily separated employees.	Procurement	P	G	C	

Freedom of Information Act (FOIA) as amended (5 USC 552)	Regulates the release of public information; agency rules, opinions, orders, records, and proceedings.	All	P	G		*
General Facilities and Personnel Authority (49 USC 44502)	Provides general authority to the Administrator of the Federal Aviation Administration to acquire, establish, improve, operate, and maintain air navigation facilities; and provide facilities and personnel to regulate and protect air traffic.	Procurement Real Estate	P	G		
Gift and Bequests (49 USC 326)	Authorizes the Administrator to accept any conditional or unconditional gift or donation of money or property, real or personal, or of services for the FAA	All		G		
Government Performance and Results Act of 1993 (31 USC 1101, 1115-1119)	Requires performance indicators and measurement.	Metrics Baseline Management	P			
Indian Incentive Program (25 USC 1544)	A contractor of a Federal agency under any Act of Congress may be allowed an additional amount of compensation equal to 5 percent of the amount paid, or to be paid, to a subcontractor or supplier, in carrying out the contract if such subcontractor or supplier is an Indian organization or Indian-owned economic enterprise as defined in this chapter.	Procurement	P	G	C	
Interest of Member of Congress (41USC 6306)	Prohibits member of or delegate to Congress from sharing in benefit from contract or grant	Procurement			C	*
International Airport Facilities, Administrative (49 USC 47305)	Authorizes the Secretary of Transportation to consolidate, operate, protect, maintain, and improve airport property and airway property (except meteorological facilities).	Procurement		G		
International Airport Facilities, Definitions (49 USC 47301)	Provides definitions pertaining to International Airport Facilities.	Procurement		G		

International Air Transportation Fair Competitive Practices Act of 1974 (49 USC 40118 (5))	Requires that all Federal agencies and Government contractors and subcontractors use U.S.- flag air carriers for U.S. Government-financed international air transportation of personnel (and their personal effects) or property, to the extent that service by those carriers is available. (Also known as the Fly America Act)	Procurement			C	
Iran Sanctions Act of 1996 (50 USC 1701 note)	Requires offerors to certify they have not been involved in sanctioned activities with the Government of Iran	Procurement		G	C	
Iran Threat Reduction and Syria Human Rights Act of 2012 (P.L. 112-158)	Expands sanctions relating to the energy sector of Iran and sanctions with respect to Iran's Revolutionary Guard Corps	Procurement		G	C	
James Zadroga 9/11 Health and Compensation Act of 2010 (P.L. 111-347)	Imposes on any foreign person that receives a specified Federal procurement payment a tax of 2% of each payment. Stipulates that foreign contractors are not to be reimbursed for this tax.	Procurement		G	C	
Javits-Wagner-O'Day Act (41 USC 8501-8506)	Established the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped.	Procurement	P	G		
Judicial Review (49 USC 46110)	Prescribes judicial review process for a person disclosing a substantial interest in an order issued by the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) under this part.	Procurement	P		C	
Miller Act (40 USC 270a-270f)	Requires construction contractors to provide performance and payment bonds that are greater than \$25,000 but not greater than \$100,000.	Procurement	P	G	C	
National Earthquake Hazards Reduction Act of	Requires Agencies to adopt standards for assessing and	All	P			

1977 (P.L. 95-124), Amended 1990 (P.L. 101-614) (42 USC 7701 et seq.)	enhancing the seismic safety of buildings designed for, or constructed by, or leased by the Federal Government.					
North American Free Trade Agreement (NAFTA) P.L. 103- 182 (19 USC 3311)	Canada/Mexico exception from Buy American Act if purchase is over \$25,000.	Procurement			C	
National Energy Conservation Policy Act (42 USC 6201)	Requires energy and water conservation measures for federal buildings, facilities, or space	Environment	P			
National Environmental Policy Act (42 USC 6201)	Requires environmental assessment or environmental impact statement for proposed Federal actions	Environment	P	G		
Paperwork Reduction Act (44 USC 3501)	Requires Federal agencies to become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes resulting from the collection of information by or for the Federal Government.	All	P			
Privacy Act (5 USC 552a)	Establishes procedures for records maintained on individuals to ensure that certain information is secured.	Ethics Procurement	P	G	C	
Procurement Integrity Act (41USC 2101-2107)	Prohibits unauthorized release of source selection or other proprietary data.	Procurement	P	G	C	
Project Grant Authority (49 USC 47104)	Authorizes the Secretary of Transportation to make project grants from the Airport and Airway Trust Fund to maintain a safe and efficient nationwide system of public-use airports that meets the present and future needs of civil aeronautics.	Procurement		G		
Public Law 85-804 (50 USC 1431-1434)	Empowers the President to authorize agencies exercising functions in connection with the national defense to enter into, amend, and modify contracts, without regard to other provisions of law related to making, performing, amending, or modifying contracts, whenever the President considers that such action would facilitate the national defense, to exercise the authority conferred by the Act and	Procurement	P	G	C	

	to delegate it to other officials within the agency. (Also see E.O. 10789)					
Randolph-Sheppard Vending Facility Act (20 USC 107)	Provides for blind persons licensed under the provisions of this chapter authorization to operate vending facilities on any Federal property.	Procurement	P	G		
Rehabilitation Act of 1973 - Section 508 (29 USC 794d)	Requires information technology purchases to be accessible to people with disabilities.	Procurement	P	G	C	
Rehabilitation Act (29 USC 793)	Requires affirmative action to employ and advance in employment qualified individuals with disabilities.	Procurement	P	G		*
Research and Development (49 USC 44912)	Requires the FAA Administrator to establish and carry out a program to accelerate and expand the research, development, and implementation of technologies and procedures to counteract terrorist acts against civil aviation.	Procurement		G		
Resource Conservation and Recovery Act (42 USC 6901)	Prescribes policies and procedures for acquiring Environmental Protection Agency-designated products through affirmative procurement programs.	Procurement Environment	P	G	C	
Robert T Stafford Disaster Relief and Emergency Assistance Act (42 USC 5150)	Provides for a preference for local organizations, firms, or activities when contracting for major disaster or emergency assistance activities	Procurement	P	G	C	
Service Contract Act (41 USC 6701-6707)	Provides for minimum wages and fringe benefits as well as other conditions of work under certain types of service contracts. Whether or not the Act applies to a specific service contract will be determined by the definitions and exceptions given in the Act, or implementing regulations.	Procurement	P	G	C	
Service-Disabled Veteran Owned Small Business Program (13 CFR,121,125&134)	Provides for competitive and non-competitive set- asides for Service Disabled Veteran Owned Small Businesses.	Procurement	P	G	C	
Systems, Procedures,	Requires the FAA Administrator to develop,	Procurement		G		

Facilities, and Devices (49 USC 44505)	alter, test, and evaluate systems, procedures, facilities, and devices, and define their performance characteristics, to meet the needs for safe and efficient navigation and traffic control of civil and military aviation, except for needs of the armed forces; and to select systems, procedures, facilities, and devices that will best serve those needs and promote maximum coordination of air traffic control and air defense systems.					
Terms of Gifts (49 USC 47152)	Specifies the terms applicable to a gift of an interest in surplus property.	Procurement		G		
Training Schools (49 USC 40108)	Authorizes the FAA Administrator to operate schools to train officers and employees of the Administration to carry out duties, powers, and activities of the Administrator.	Procurement		G		
Vietnam Era Veterans Readjustment Act (38 USC 2012)	Requires contractors and subcontractors, when entering contracts subject to the Act, to list all suitable employment openings with the appropriate local employment service office and take affirmative action to employ, and advance in employment, qualified special disabled veterans and veterans of the Vietnam Era without discrimination based on their disability or Veteran's status. (Also see Executive Order 11701)	Procurement		G		*
Waiving and Adding Terms (49 USC 47153)	Authorizes the Secretary of Transportation to waive, without charge, a term of a gift of an interest in property under this subchapter.	Procurement		G		
Walsh Healey Public Contracts Act (41 USC 6501-6511)	Provides conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes.	Procurement	P	G		
Wendell H. Ford Aviation Investment & Reform Act	Subjects the FAA to the Procurement Integrity Act (41 USC	Procurement		G		

for the 21 st Century (49 USC 40110(d)(3))	2101-2107), except that sections 2101, Definitions, and 2106, Reporting information believed to constitute evidence of offense, shall not apply.					
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END OF PART I

Appendix E: Part II - Executive Orders Revised ~~10/2015~~ 10/2016

Title	Description Summary	Functional area affected	Promulgated by AMS:			
			P	G	C	
Executive Order 10582, Prescribing Uniform Procedures for Certain Determinations Under the Buy-American Act (Dec 17, 1954)	Requires the Government to give preference to domestic end products. (See Buy American Act.) Amended by E.O.'s 10761, 11051, 12148, and 12608. (Also see E.O. 12148)	Procurement		G	C	
Executive Order 10789, Authorizing agencies of the Government to exercise certain contracting authority in connection with national-defense functions and prescribing regulations governing the exercise of such authority	Authorizes non-DoD agencies of the Government to exercise certain contracting authority in connection with national-defense functions and to prescribe regulations governing the exercise of such authority. Amended by: EO 11051 , September 27, 1962; EO 11382 , November 28, 1967; EO 11610 , July 22, 1971; EO 12148 , July 20, 1979; EO 12919 , June 3, 1994; EO 13232 , October 20, 2001; EO 13286 , February 28, 2003	Procurement	P	G	C	
Executive Order 11141, Equal	Prescribes policies and procedures pertaining to	Procurement	P	G	C	

Employment Opportunity, (February 12, 1964)	nondiscrimination in employment by contractors and subcontractors					
Executive Order 11701, Employment of veterans by Federal agencies and Government contractors and subcontractors (Jan. 24, 1973)	Requires each department and agency of the executive branch of the Federal Government list suitable employment openings with the appropriate office of State Employment Service or the United States Employment Service and extends the program to Government contractors and subcontractors. (Also 38 USC 2012)	Procurement		G		
Executive Order 11912, Delegation of Authorities Relating to Energy Policy and Conservation (April 13, 1976)	Amended by: EO 12003 , July 20, 1977; EO 12038 , February 3, 1978; EO 12148 , July 20, 1979; EO 12375 , August 4, 1982. Superseded or revoked in part by E.O. 12919, National Defense Industrial Resources Preparedness.(Also see E.O. 12919)	Procurement Environment	P			
Executive Order 12038, Relating to Certain Functions Transferred to the Secretary of Energy by the Department of Energy Organization Act (February 3, 1978)	Relates to certain functions transferred to the Secretary of Energy by the Department of Energy Organization Act. Amended by: EO 12156 , September 10, 1979 and by EO 12287 - Decontrol of crude oil and refined petroleum products. (Also see E.O.12287)	Procurement Environment	P			
Executive Order 12591, Facilitating Access to Science and Technology (April 10, 1987)	Amended by E.O. 12618. Authorizes the FAA to apply the policies of the Bayh-Dole Act (inventions made with Government Assistance) to all participants in cooperative agreements. (Also see E.O. 12618)	Agreements		G		
Executive Order 12600, Predisclosure Notification Procedures for Confidential	Describes predisclosure notification procedures for confidential commercial information requested under the	All	P	G		

Commercial Information (June 23, 1987)	Freedom of Information Act (FOIA)					
Executive Order 12618, Uniform Treatment of Federally Funded Inventions (December 22, 1987)	Amended E.O. 12591.	Procurement				
Executive Order 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction	Requires Federal agencies to follow national and local seismic building codes, whichever provides the greatest margin of safety, when constructing new buildings or modifying existing buildings. Amended by: EO 13286 , February 28, 2003	All				
Executive Order 12829, National Industrial Security Program, (January 6, 1993) Amended by E.O. 12885	Requires a National Industry Security Program Operating Manual. Amended by E.O. 12885 December 14, 1993 to extend the time to issue the National Industrial Security Program operating manual. (Also see E.O. 12885)	Procurement	P	G		
Executive Order 12919, National Defense Industrial Resources Preparedness (June 3, 1994)	Delegates authority and addresses national defense industrial resource policies and programs under the Defense Production Act of 1950. Amended by: EO 13286 , February 28, 2003. Supersedes or revokes E.O. 11912 in part. (Also see E.O. 11912)Revoked in part by: EO 13456 , January 23, 2008.	Procurement				
Executive Order 12928, Promoting Procurement with Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals, Historically Black Colleges and Universities, and Minority Institutions, (Sep	Establishes policy that all department and agency heads and all Federal employees involved in the procurement of any and all goods and services shall assist SDBs, HBCUs, and MIs, as applicable, to develop viable, self-sustaining, businesses capable of competing on an equal basis in the mainstream of the American	Procurement MPPG reporting		G		

16, 1994)	economy.					
Executive Order, 13360 Providing Opportunities for Service-Disabled Veteran Businesses To Increase Their Federal Contracting and Subcontracting, (October 20, 2004)	Establishes policy that all heads of agencies shall provide the opportunity for service-disabled veteran businesses to significantly increase the Federal contracting and subcontracting of such businesses.	Procurement		G		
Executive Order 12941, Seismic Safety of Existing Federally Owned or Leased Buildings (December 1, 1994)	Requires Federal Agencies to follow the standards developed, issued and maintained by the Interagency Committee for Seismic Safety in Construction (ICSSC).	All	P			
Executive Order 12968, Access to Classified Information (August 2, 1995)	Establishes a uniform Federal personnel security program for employees who will be considered for initial or continued access to classified information. Amended by: EO 13467 , June 30, 2008	Procurement Security	P	G	C	
Executive Order 13043, Increasing Seat Belt Use in the U.S. (April 16, 1997)	Requires seat belt use by Federal employees while on official business and motor vehicle occupants in National Park and Dept. of Defense installations. Encourages Federal contractors, subcontractors, and grantees to adopt and enforce on-the-job seat belt use policies and programs.	Procurement	P		C	
Executive Order 13142, Amendment to E.O. 12958– Classified National Security Information (Nov. 19, 1999)	Amended sections 3.4(a), 5.2(a)(b), 5.3(b)(4) of E.O. 12958. (Also see E.O. 12958)	Procurement Security				*
Executive Order 13170, Increasing Opportunities and Access for Disadvantaged Businesses (Oct 6, 2000)	Establishes additional incentives for outreach and goal setting to increase opportunities and access for disadvantaged businesses.	Procurement				*
Executive Order 13221, Energy Efficient Standby	Encourages energy conservation by requiring the Government to	Procurement				*

Power Devices (July 31, 2001)	purchase COTS products that use no more than one watt in their external or internal standby power devices or functions.					
Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management (January 24, 2007)	Revokes E.O. 13101, 13123, 13134, 13148, 13149; and amends E.O. 12088 and 13327. Orders Federal agencies to conduct their environmental, transportation, and energy related activities, in support of their respective missions within an environmentally, economically and fiscally sound, integrated, continuously improving, efficient and sustainable manner. NOTE: Related and previously revoked Executive Orders include: 11507, 11752, 12856, 12873, and 12902.	All	P	G		
Executive Order 13502, Use of Project Labor Agreements for Federal Construction Projects, (February 6, 2009)	Promotes the efficient administration and completion of Federal construction projects Revokes: EO 13202 , February 17, 2001; EO 13208 , April 6, 2001	Procurement Real Estate		G	C	*
Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving (October 1, 2009)	Encourages contractors and subcontractors to adopt and enforce policies banning text messaging while driving company- owned or Government-owned vehicles, or privately-owned vehicles when on official government business or performing any work on behalf of the Government.	Procurement			C	
Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance (October 5, 2009)	To increase Federal leadership in environmental, energy, and economic performance.	All	P	G		
Executive Order 13627, Strengthening Protections Against Trafficking in Persons in Federal Contracts (September 25,	Creates a stronger framework to eliminate trafficking in persons from Federal contracts.	All	P	G	C	

2012)						
<u>Executive Order 13693, Planning for Federal Sustainability in the Next Decade (March 25, 2015)</u>	<u>To maintain Federal leadership in sustainability and greenhouse gas reductions. Revokes EO 13423 and 13514.</u>	<u>All</u>	<u>P</u>	<u>G</u>	<u>C</u>	

END OF PART II

Appendix E: Part III - Regulations/Standards Revised 4/2014

Title	Description Summary	Functional area affected	Promulgated by AMS: P=Policy, G=Guidance, C=Clause *=See Office of Chief Counsel			
Cost Accounting Standards (CAS) (48 CFR 9903.101)	Uniform standards for government contractor's accounting for and reimbursement of costs. Within the FAA Cost Accounting Standards (CAS) do not apply to contracts for commercial items. Full or modified CAS coverage may be applied to cost type contracts only.	Procurement	P	G	C	
Department of Transportation Policy for Seismic Safety of New and Existing DOT Owned or Leased Buildings (DOT SS-98-01)	Requires each DOT Operating Administration to ensure that new DOT owned buildings and additions and new buildings leased for DOT occupancy, are designed and constructed to comply with appropriate seismic design and construction standards. Additionally, each Operating Administration is required to mitigate unacceptable earthquake risks in existing buildings via a long-term risk mitigation program.	All	P			
Export Administration Regulations (EAR), 15 CFR Parts 730 through 774	U.S. Department of Commerce regulations for the export and re-export of most commercial items, services or documentation.	All	P	G	C	
Federal Management Regulations (formerly Federal Property Management)	Regulations used by GSA and other executive agency officials to regulate, and prescribe policies, procedures, and delegations of authority pertaining to the management of property, inventory, and disposal.	Real Property	P			

Federal Standard 313, Material Safety Data, Transportation Data and Disposal Data for hazardous materials furnished to Government activities.(March 1, 1988)	Establishes requirements for the preparation and submission of Material Safety Data Sheets by contractors who provide hazardous materials to government activities.	Procurement Environment				
FEMA 74, Reducing the Risk of Nonstructural Earthquake Damage, (Sep. 1994)	Provides Interagency Committee for Seismic Safety in Construction (ICSSC) requirements for equipment and other building system installation, risk mitigation and guidance on prioritizing projects.	All	P			
FEMA 310, Handbook for the Seismic Evaluation of Buildings: A Pre-Standard, (January 1998)	Provides requirements for identification of unacceptable seismic risks in existing buildings and equipment installations.	All	P			
FEMA 356, NEHRP. Pre-Standard and Commentary for the Seismic Rehabilitation of Buildings, (November 2000)	Provides requirements for mitigation of unacceptable seismic risks in existing buildings and equipment installations.	All	P			
FEMA 368/369, 2000 NEHRP Provision for Seismic Regulations for New Buildings and Other Structures, Parts 1 and 2, 2001.	Provides Interagency Committee for Seismic Safety in Construction (ICSSC) requirements for the construction of new buildings as well as design and installation of new equipment for installation in any new or existing building.	All	P			
International Building Code (IBC)	Establishes the current international building code in effect for all new construction of Federal buildings.	All	P			

(2000/2003)						
International Traffic in Arms Regulations (ITAR), 22 CFR Parts 120 through 130	Department of State regulations that control the export and import of defense-related articles, services and documents on the United States Munitions List (USML)		P	G	C	
Local Seismic Building codes (depends on location of project or installation site)	Requires use of local seismic building codes if they require a greater margin of safety than international or national building codes.	All	P			
NIST RP-6, standards for Seismic Safety for Existing Federally Owned or Leased Buildings, (January 2002)	Provides requirements for leasing and acquisition of existing buildings.	All	P			
Occupational Safety and Health Administration Regulations (29 CFR 1910.38)	Requires a written plan for emergency situations for each workplace where there is a possibility of an emergency. Appropriate portions of the plan shall be implemented in the event of an emergency.	All	P	G	C	
OMB Circular A-21, Cost Principles for Educational Institutions.	Describes basic cost principles applicable to the organization incurring the cost.	Procurement		G		*
OMB Circular A-76, Performance of Commercial Activities - (Aug. 4, 1983; Revised 1999)	Establishes Federal Policy regarding the performance of commercial activities. FAA's policy is to follow the guidance of this circular to the extent such standards are consistent with the FAA's Acquisition Management System and the Administrator's authority to implement "such terms or conditions as the Administrator may deem appropriate."	Investment Analysis Procurement	P	G		*
OMB Circular A-	Describes basic cost principles	Procurement		G		*

87, Cost Principles for State Local and Indian Tribal Governments	applicable to the organization incurring the cost.					
OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments.	Establishes standards for grants and cooperative agreements with State and Local Governments.	Procurement		G		*
OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-profit organizations.	Establishes pre-award and post-award standards for Federal grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations.	Procurement		G		*
OMB Circular A-122, Cost Principles for Non-profit Organizations, excluding educational institutions and other organizations specified in the Circular.	Describes basic cost principles applicable to the organization incurring the cost.	Procurement		G		*
Patent and Copyright Laws	Establishes prohibitions regarding Patent and Copyright infringement.	Procurement	P	G	C	
Protests and Contract Disputes; 14 CFR, Parts 14 & 17.	Prescribes procedures for protests and contract disputes.	All	P		C	
Standards of Conduct for Employees of the Executive Branch	Prohibits conflicts of interest	All	P	G	C	

(5 CFR 2635)						
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END OF PART III

Appendix E: Part IV - External Authorities applicable to Real Estate Revised 10/2012

Part IV A: Statutes

Title	Description Summary	Functional area affected	Promulgated by AMS:			
			P=Policy,	G=Guidance,	C=Clause	*=See Office of Chief Counsel
Act of December 10, 1941 (40 USC 291)	Requires Federal agencies to admit seeing-eye dogs or other guide dogs accompanied by their blind masters to any building or other property owned or controlled by the United States.	Real Estate	P			
Administrative Procedures Act (5 USC 500 se seq)	Authorizes a duly qualified individual to represent a person before an agency.	All				*
Anti-Kickback Act(41 USC 8701-8707)	Prohibits offering or accepting kickbacks; criminal penalties apply.	Ethics Procurement Real Estate			C	*
Architectural Barriers Act of 1968 (42 USC 4151-4157)	Requires facilities be provided to ensure ready access for disabled persons to public buildings and certain interior spaces.	Real Estate	P	G	C	
Assignment of Claims (31 USC 3727, 41 USC 6305)	Authorizes the lessor to assign his rights to be paid under a lease agreement	Real Estate			C	
Bribery and Conflict of Interest Laws (18 USC 201)	Prescribes fines and punishment for bribery of public officials and witnesses.	All				*
Bribery and Conflict of Interest Laws (18 USC 208)	Prescribes acts and penalties affecting a personal financial interest.	All	P			
Child Care Services for Federal Employees	Provides Federal agencies with the authority to allot space in Federal buildings to individuals	Real Estate	P			

in Federal Buildings	or entities that will provide child care services to Federal employees.					
Clean Air Act of 1963 (42 USC 7401)	Requires the utilization in Federal air control programs of all available and appropriate facilities and resources within the Federal Government for the prevention and abatement of air pollution.	Real Estate	P			
Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 USC 9601)	Provides for liability, compensation, cleanup and emergency response for hazardous substances released into the environment, and the cleanup of hazardous waste disposal sites.	Real Estate	P			
Energy Independence and Security Act of 2007 (Pub. L. 110-140)	Amends portions of the National Energy Conservation Policy Act (42 USC 8253(a)(1) and adopts the energy intensity reduction goals of Executive Order 13423 beginning in year 2008. Provides for enhanced building standards, lighting, and water and energy usage goals.	Real Estate Procurement	P			
Energy Policy Act (EPA) of 2005	Provides for increased energy and water efficiency.	Real Estate	P			
Energy Policy Act of 1992 (Pub. L. 102-486, 106 Stat. 2776)	Provides for increased energy efficiency. Superseded, in part, by the EPA of 2005.	Real Estate Procurement	P			
False Claims Act(31 USC 3729)	Specifies civil penalties for false claims against the U.S.	All		G		*
Federal Aviation Authorization Act of 1996 (49 USC 106)	The Administrator is authorized to enter into and perform such contracts, leases, cooperative agreements, or other transactions.	Real Estate	P	G		
Federal Water Pollution Control Act (33 USC 1251)	Requires that all agencies comply with all Federal, State, interstate, and local requirements, respecting the control and abatement of water pollution.	Real Estate	P			
Federal Property and Administrative Services Act of 1949, as amended (40 USC 471)	This act establishes the Federal Building Fund and provides the Administrator of General Services Administration with an important source of real property related authority. FAA is not required to follow	Real Estate	P	G		

	Title II of this act.					
Federal Water Pollution Control Act (33 USC 1251)	Requires that all agencies of the executive, legislative, and judicial branches of the Federal Government must comply with all Federal, State, interstate, and local requirements respecting the control and abatement of water pollution.	Real Estate	P			
Freedom of Information Act of 1986 (5 USC 552)	Regulates the release of public information; agency rules, opinions, orders, records, and proceedings.	All	P	G	C	
General Procurement Authority (49 USC 40110)	The Administrator may acquire services or, by condemnation or otherwise, and interest in property, and may dispose of an interest in property.	Real Estate	P	G		
General Facilities and Personnel Authority (49 USC 44502)	Provides general authority to the Administrator of the Federal Aviation Administration to acquire, establish, improve, operate, and maintain air navigation facilities; and provide facilities and personnel to regulate and protect air traffic.	Procurement Real Estate	P	G		
Gift and Bequests (49 USC 326)	Authorizes the Administrator to accept any conditional or unconditional gift or donation of money or property, real or personal, or of services for the FAA.	All		G		
National Earthquake Hazards Reduction Act of 1977 (P.L. 95-124), Amended 1990 (P.L. 101-614) (42 USC 7701 et seq.)	Requires Agencies to adopt standards for assessing and enhancing the seismic safety of buildings designed for, or constructed by, or leased by the Federal Government.	Real Estate	P			
Paperwork Reduction Act (44 U.S.C. 3501)	Requires Federal Agencies to become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes resulting from the collection of information by or for the Federal Government.	All	P			
Public Buildings Act of 1959, as amended	This act establishes a prospectus threshold, applicable to all federal agencies. Also the Administrator of	Real Estate	P			

(40 USC 601-619)	GSA has authority to construct, acquire, and alter public buildings.					
Public Buildings Cooperative Use Act of 1976 (40 USC 601a, 612a.)	Requires the Administrator of GSA to acquire and utilize space in suitable buildings of historic, architectural, or cultural significance.	Real Estate	P			
National Environmental Policy Act of 1969 (42 USC 4321)	Requires consideration of environmental factors in the decision-making process for major Federal actions.	Real Estate	P			
National Historic Preservation Act (16 USC 470)	Requires Federal agencies to take into account the effect of any Federal undertaking on any property in or eligible for listing in the National Register of Historic Places.	Real Estate	P			
Occupational Safety and Health Act of 1970, amended (29 USC 653)	Requires Federal agencies to provide safe and healthful places and conditions of employment.	Real Estate	P	G	C	
Quarters and facilities; employees in the United States (5 USC 5911)	Agency may provide quarters and facilities for employees when conditions warrant.	Real Estate	P			
Randolph-Sheppard Vending Facility Act, amended (20 U.S.C. 107 - 107f)	Provides for blind persons licensed under the provisions of this chapter authorization to operate vending facilities on any Federal property.	Procurement	P	G		
Rehabilitation Act of 1973, amended (Pub. L. 93-112, 387 Stat. 355)	Requires Federal agencies to ensure compliance with standards set by GSA, DOD and HUD pursuant to the Architectural Barriers Act of 1968.	Real Estate	P	G		
Rural Development Act of 1972 (Pub. L. 92-419, 86 Stat. 657)	Provides for improving the economy and living conditions in rural America. FAA must give first consideration to rural areas when locating new space, land, and other facilities	Real Estate	P	G	C	
Stewart B. McKinney Homeless Assistance Act (42 USC 11411-11412)	Requires Federal agencies to make available surplus real property to homeless organizations.	Real Estate	P			

Superfund Amendments and Reauthorization Act of 1986, amended (42 USC 9601- 9675)	Extends and amends CERCLA.					*
Service, supplies, and facilities at remote places (49 USC 331)	Agency may provide when necessary, services, supplies, and facilities at remote places.	Real Estate	P			
Title 49, USC, Section 1159 (a) and (c)	Airport property and airway property in territory (including Alaska) outside the continental limits of the United States.	Real Estate	P			
Uniform Relocation Assistance and Real Property Acquisition (42 USC 4651-4655)	Requires Federal agencies to treat all property owners and other affected persons in a fair and equitable manner, and to provide relocation services and benefits to persons displaced by Federal agency's acquisition of their real property.	Real Estate	P	G		

Part IV B: Executive Orders

Title	Description Summary	Functional area affected	Promulgated by AMS: P=Policy, G=Guidance, C=Clause *=See Office of Chief Counsel			
Executive Order 11508, Providing for the Identification of Unneeded Federal Real Property (Feb. 12, 1970)	Establishes a uniform policy for Executive branch concerning the identification of excess real property holdings.	Real Estate	P			
Executive Order 11593, Protection and Enhancement of the Cultural Environment (May 13, 1971)	Requires Federal Agencies to direct their policies, plans and programs that federally owned sites, and structures are preserved, restored and maintained.	Real Estate	P			
Executive Order 11738, Providing for	Requires Federal agencies having authority to enter into contracts to conduct its	Real Estate	P			

Administration of the Clean Federal Water Pollution Control Act with respects to Federal Contracts, Grants, or Loans (Sept. 12, 1973)	acquisitions that will result in effective enforcement of the Clean Air Act and the Federal Water Pollution Control Act.					
Executive Order 11988, Floodplain Management (May 24, 1977)	Requires that agencies take action to reduce the risk of flood loss and to restore and preserve the natural and beneficial values served by floodplains for acquiring, managing and disposing of Federal lands and facilities.	Real Estate	P			
Executive Order 11990, Protection of Wetlands (May 24, 1977)	Requires that agencies take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands for acquiring, managing, and disposing of Federal lands and facilities.	Real Estate	P			
Executive Order 12003, Relating to Energy Policy and Conservation (July 20, 1977)	Requires buildings constructed for Government lease to meet certain energy consumption design specifications.	Real Estate	P			
Executive Order 12088, Federal Compliance with Pollution Control Standards (October 13, 1978)	Requires agencies ensure action is taken to prevent, control, and abate environmental pollution with respect to Federal facilities and activities. Revoked, in part, by EO 13423.	Real Estate	P			
Executive Order 12196, Occupational Safety and Health Programs	Requires Federal agencies to establish and maintain occupational safety and health programs for Federal employees.	Real Estate	P			
Executive Order 12512, Federal Real Property Management (April 29, 1985)	Authorizes the GSA administrator to provide Government wide policy oversight and guidance for Federal real property management.	Real Estate	P			
Executive Order 12699, Seismic Safety of Federal and Federally Assisted or Regulated New	Requires agencies responsible for the design and construction of each new Federal building and/or the construction and lease of new buildings for Federal use to ensure the building is designed and	All	P			

Building Construction (January 5, 1990)	constructed in accord with appropriate seismic design and construction standards. Amended by: EO 13286 , February 28, 2003					
Executive Order 12941, Seismic Safety of Existing Federally Owned and Leased Buildings (December 1994)	Requires agencies to meet substantial life safety standards for seismic.	Real Estate	P			
Executive Order 13202, Preservation of Open Communication and Government Neutrality towards Government Contractors (Feb. 17, 2001)	Promotes the economical, non-discriminatory, and efficient administration and completion of Federal and Federally funded or assisted construction projects. (Also see E.O. 13208)	Procurement Real Estate				*
Executive Order 13208, Assisted Construction Projects (April 6, 2001)	Amends E.O. 13202. Added a new section to permit the Head of an Executive Agency to exempt a particular project from the requirements of any or all provisions of Sections 1 and 3 of E.O. 13202. (Also see E.O. 13202)	Procurement Real Estate				*
Executive Order 13327, Federal Real Property Asset Management (Feb. 4, 2004)	To improve the overall management of Federal real property assets on a Government-wide level. Amended by E.O. 13423.	Real Estate	P			
Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management (January 24, 2007)	Revokes E.O. 13101, 13123, 13134, 13148, and 13149, and amends E.O. 12088 and 13327. Provides that (i) new construction and major renovation of agency buildings; and (ii) 15 percent of the existing Federal capital asset building inventory of Federal agencies move towards sustainable environmental practices. Note: Related and previously revoked Executive Orders include: 11507,11752, 12856, 12873, and 12902.	All	P	G		

Part IV C: Regulations/Standards

Title	Description Summary	Functional area affected	Promulgated by AMS: P=Policy, G=Guidance, C=Clause *=See Office of Chief Counsel			
Department of Transportation Policy for Seismic Safety of New and Existing DOT Owned or Leased Buildings (DOT SS-98-01)	Requires each DOT Operating Administration to ensure that new DOT owned buildings and additions and new buildings leased for DOT occupancy, are designed and constructed to comply with appropriate seismic design and construction standards. Additionally, each Operating Administration is required to mitigate unacceptable earthquake risks in existing buildings via a long-term risk mitigation program.	All	P			
Federal Management Regulations (formerly Federal Property Management)	Prescribes regulations, policies, procedures and delegations of authority pertaining to the management of property, inventory, and disposal when FAA leases real property through GSA. Serves as guidelines for FAA direct lease actions.	Real Estate	P	G		
FEMA 74, Reducing the Risk of Nonstructural Earthquake Damage, (Sep. 1994)	Provides Interagency Committee for Seismic Safety in Construction (ICSSC) requirements for equipment and other building system installation, risk mitigation and guidance on prioritizing projects.	All	P			
FEMA 310, Handbook for the Seismic Evaluation of Buildings: A Pre-Standard, (January 1998)	Provides requirements for identification of unacceptable seismic risks in existing buildings and equipment installations.	All	P			
FEMA 356, NEHRP. Pre-Standard and Commentary for the Seismic Rehabilitation of Buildings, (November 2000)	Provides requirements for mitigation of unacceptable seismic risks in existing buildings and equipment installations.	All	P			
FEMA 368/369, 2000 NEHRP	Provides Interagency Committee for Seismic Safety in Construction (ICSSC)	All	P			

Provision for Seismic Regulations for New Buildings and Other Structures, Parts 1 and 2, 2001.	requirements for the construction of new buildings as well as design and installation of new equipment for installation in any new or existing building.					
International Building Code (IBC) (2000/2003)	Establishes the current international building code in effect for all new construction of Federal buildings.	All	P			
Local Seismic Building codes (depends on location of project or installation site)	Requires use of local seismic building codes if they require a greater margin of safety than international or national building codes.	All	P			
NIST RP-6, standards for Seismic Safety for Existing Federally Owned or Leased Buildings, (January 2002)	Provides requirements for leasing and acquisition of existing buildings.	All	P			
Occupational Safety and Health Administration Regulations (29 CFR 1910.38)	Requires a written plan for emergency situations for each workplace where there is a possibility of an emergency. Appropriate portions of the plan shall be implemented in the event of an emergency.	All	P	G	C	
Protests and Contract Disputes; 14 CFR, Parts 14 & 17.	Prescribes procedures for protests and contract disputes.	All	P		C	
Standards of Conduct for Employees of the Executive Branch (5 CFR 2635)	Prohibits conflicts of interest	All	P	G	C	
Uniform Federal Accessibility Standards (UFAS) (41 CFR 101-19.6 App. A)	Prescribes handicapped accessibility regulations for Federally owned or leased building premises.	Real Estate	P	G	C	

End of Part IV